

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 5:11-cr-00038

HUGHIE ELBERT STOVER,

Defendant.

ORDER

On this date, the Court received and reviewed the Defendant's Motion to Continue Trial [Document 71] and the Court has also reviewed the United States' Withdrawal of Opposition to Defendant's Motion to Continue Trial [Document 66]. After careful consideration of the same, the Court finds that the Defendant has alleged good cause for the granting of a continuance based on the Government's late disclosure of two thousand five hundred (2500) pages of discovery material.

Wherefore, having found good cause for the same, the Court does hereby **ORDER** that the Defendant's Motion to Continue Trial [Document 71] be **GRANTED** and the trial in this matter, previously scheduled for July 18, 2011, is **CONTINUED** until **October 24, 2011, at 9:00 a.m.** The Court **ORDERS** that any motions in limine shall be filed no later than **September 26, 2011**. Additionally, the Court **ORDERS** that the parties submit their respective witness lists and any proposed voir dire and jury instructions no later than **October 3, 2011**.

The Court further **ORDERS** that the pretrial motions hearing is **CONTINUED** to **September 13, 2011, at 1:30 p.m.**, before the Honorable R. Clarke VanDervort, and that any motions to be addressed at the pretrial motions hearing shall be filed no later than **September 6, 2011**.

The Court **FINDS** that the time between July 18, 2011, and October 24, 2011, is excludable from the computation of time within which trial must commence, pursuant to [18 U.S.C. § 3161(h)(7)].

The Court **DIRECTS** the Clerk to send a copy of this Order to Magistrate Judge VanDervort, to the Defendant and counsel, to the United States Attorney, to the United States Probation Office, and to the United States Marshal.

ENTER: July 14, 2011



IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA